

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE

IN RE:

Otto Lee Beddard

Debtor(s)

Case No. 16-62198-RBC
(Chapter 13)

NOTICE OF HEARING

Please take notice that M&T Bank , by counsel, will argue its Motion to Reconsider the Debtor's Motion to Sell Real Estate Free and Clear of Liens on July 20, 2017 at 9:30 a.m. or as soon thereafter as counsel may be heard, in the United States Bankruptcy Court for the Western District of Virginia, Charlottesville Division, US Courthouse, Rm 200, 255 W. Main St., Charlottesville, VA 22902 before the Honorable Rebecca Connelly.

Respectfully submitted,

/s/ Sameera Navidi

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UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF
VIRGINIA
Charlottesville Division

IN RE:

Otto Lee Beddard
Debtor

Case No.16-62198-RBC
(Chapter 13)

M&T BANK'S MOTION TO RECONSIDER THE DEBTOR'S MOTION TO SELL REAL
ESTATE FREE AND CLEAR OF LIENS

COMES NOW M&T Bank by and through Counsel, and respectfully requests the
Court reconsider the Matter of the Debtor's Motion to Sell Real Estate Free and Clear of
Liens (Docket Number 31) M&T Bank states as follows:

1. M&T Bank is servicer of the mortgage secured by the Debtor's residence located at
5506 Wyndemere Circle, Mineral, Virginia 23117.
2. On March 17, 2017, the Debtor filed the Motion to Sell Real Estate Free and Clear of
Liens.
3. Debtor did not get M&T Bank's approval or permission for the sale.
4. On March 17, 2017, the Debtor filed a Motion to Shorten Notice for the hearing to be
held on March 23, 2017. The motion was granted.
5. The hearing was held before M&T Bank could respond to the motion.
6. M&T Bank was represented by counsel in this case via a timely filed Proof of Claim
on January 5, 2017 and a Notice of Postpetition Mortgage Fees on February 1,

2017 with regards to this property. M&T Bank's counsel was not consulted or properly noticed on this matter.

7. This sale is a direct violation of 11 USC sec 363(f) because the interest is a lien and the price of the property to be sold of \$175,000.00 is less than the balance of the lien on the property, which is \$251,700.00.
8. Furthermore, the sale price of \$175,000.00 is far less than the tax assessed value of the property, which is \$243,100.00.

Wherefore, M&T Bank requests that the Honorable Court will reconsider the Debtor's Motion to Sell Real Estate Free and Clear of Liens since M&T Bank never consented to the short sale and did not have adequate time to respond to the Motion.

Wherefore, M&T Bank prays this Honorable Court will enter an Order reconsidering the Order to Sell Real Estate Free and Clear of Liens.

Respectfully submitted,

/s/ Sameera Navidi

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CERTIFICATION OF SERVICE

I HEREBY CERTIFY that copies of the foregoing Motion to Reconsider were mailed by first class mail, postage-paid, and served electronically, where applicable, this day of May 22, 2017 to the following parties:

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Attorney for the Debtor

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/s/ Sameera Navidi

Sameera Navidi, Esquire